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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/473,080	12/28/1999	TOSHIHIRO SUGIURA	ADACHI-P181U	9575

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DAVIS & BUJOLD, P.L.L.C.  
FOURTH FLOOR  
500 N. COMMERCIAL STREET  
MANCHESTER, NH 03101-1151

EXAMINER

NALEVANKO, CHRISTOPHER R

ART UNIT PAPER NUMBER

2611

DATE MAILED: 09/11/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/473,080

Applicant(s)

SUGIURA ET AL.

Examiner

Christopher R Nalevanko

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 4-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. The previous Final Rejection, regarding the Official Notice of sending successive command signals to different districts, has been withdrawn.
2. Applicant's arguments with respect to claim 4, 6, and 7 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 4, 6 and 7 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Stern et al.

Regarding Claim 4, Stern shows a cable broadcasting system comprising a center equipment for transmitting broadcast signals on a transmission line, and a controller for transmitting command signals for controlling distribution of the broadcast signals to broadcast signal receiving terminals (col. 4 lines 60-68, col. 5 lines 1-14, see figure 1a 'head end control', 'encoder', 'RF tv program signal source), and at least one receiving district, each receiving district including a plurality of tap devices connected from the

transmission line for distributing the broadcast signals from the transmission line to the broadcast signal receiving terminals (col. 5 lines 20-28, 45-48, 60-63, see fig. 1a items 2 and 3), and a district power supply connected from a power source and providing a power signal through the transmission line to the tap devices of the receiving district (col. 5 lines 20-28, see fig. 1a item 2 'power unit'). Stern further shows that each tap device includes at least one switchable path for distributing the broadcast signal (col. 5 lines 28-32, see fig. 1a items 40a-c), at least one control relay in each tap path for controlling connection of the tap path to the broadcast signal receiving terminal (col. 5 lines 28-32, see fig. 1a items 40a-c), a tap control connected from the transmission line and responsive to the command signals for controlling the relays (see fig. 1a item 35 'tap logic'), and a tap device power supply connected from the power signal on the transmission line and providing power to the tap (see fig. 1a item 120 'power supply'). Finally Stern shows that the center equipment controller sends commands to the power unit, which denotes a distinct district, serially, or successively (col. 6 lines 12-17). This shows that separate, or successive, commands can be sent to different districts, or power units, then the following control signals are sent to the district tap units.

Regarding Claim 6, Stern further shows a directional coupler connected from the transmission line for branching connection of the broadcast signal from the transmission line to each of the tap paths (col. 7 lines 48-61, see fig. 1a 'directional tap'). Stern also shows at least one control relay on each tap path is controllable through the tap control and by command signals to switchably connect the tap path into one of an on state and an

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off state (col. 2 lines 43-58, col. 3 lines 50-65, col. 5 lines 27-3265-67, see figure 1a items 35 'tap logic' and 40a-c).

Regarding Claim 7, Stern shows a plurality of switchable tap paths (see fig. 1a 'directional tap' and items 40a-c). Stern further shows a directional coupler connected from the transmission line for branching connection of the broadcast signal from the transmission line to each of the tap paths (col. 7 lines 48-61, see fig. 1a 'directional tap'). Stern also shows at least one control relay on each tap path is controllable through the tap control and by command signals to switchably connect the tap path into one of an on state and an off state (col. 2 lines 43-58, col. 3 lines 50-65, col. 5 lines 27-3265-67, see figure 1a items 35 'tap logic' and 40a-c). Finally, Stern shows the tap control controls the control relays of a plurality of tap paths of a tap device, the tap control controls each control relay to switchably connect each tap path into one of an on state and an off state (col. 2 lines 43-58, col. 3 lines 15-30, col. 4 lines 60-67, see fig. 1a item 35 'tap logic').

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stern et al in further view of Kato et al.

Regarding Claim 5, Stern fails to show that a command signal will be sent to a tap device in the receiving district only after an operating time required for the tap device in the receiving district to complete execution of the preceding command has elapsed. Kato shows the ability of a command sequence to wait an elapsed time to ensure that the preceding command instruction has executed before executing the next command (col. 28 lines 1-21, col. 29 lines 35-62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Stern with the command signal waiting time of Kato so that another command signal was not sent to the same time, possibly damaging the electronics of the tap.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R Nalevanko whose telephone number is 703-305-8093. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Christopher Nalevanko  
703-305-8093  
AU 2611

cn  
September 4, 2003

  
CHRIS GRANT  
PRIMARY EXAMINER